

REMARKS/ARGUMENTS

The Applicants have carefully considered this application in connection with the Examiner's Final Rejection dated June 5, 2007, the telephonic interview with the Examiner on July 27, 2007, and the Advisory Action dated September 27, 2007. The Applicants respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-20 in the application. In previous responses, the Applicants amended Claims 1-12 and 14-20. In the present response, the Applicants have amended Claims 1, 8 and 15-16. Support for the amendment can be found, for example, in paragraphs 13-14 and Figure 1. Accordingly, Claims 1-20 are currently pending in the application.

I. Rejection of Claims 1-5, 7-12, 15-17, 19 and 20 under 35 U.S.C. §102

The Examiner has rejected Claims 1-5, 7-12, 15-17, 19 and 20 under 35 U.S.C. §102(b) for being anticipated by U.S. Patent No. 5,772,586 to Heinonen. The Applicants respectfully disagree in view of amended independent Claims 1, 8 and 15.

Heinonen does not disclose a vital sign sensor fabricated within a chassis of a mobile telephone as recited in amended independent Claim 1. On the contrary, as recognized by the Examiner, Heinonen discloses a measuring unit 11 that can be placed in the battery space of a mobile phone MS. (*See* Examiner's Final Rejection, pages 2-4 and Heinonen, column 4, lines 57-59 and Figure 2.) As illustrated in Figure 3, the measuring unit 11 includes an electronic section 20 that is used to measure glucose levels. (*See*, column 5, lines 14-65, and column 3, lines 59-64.) Thus, Heinonen discloses a vital sign sensor that is not fabricated within a chassis of the mobile phone MS, but instead is included within the measuring unit 11 that is connected to the mobile phone MS.

Since Heinonen provides no teaching that the electronic section 20 is fabricated within a chassis, or in a chassis, of the mobile phone MS, Heinonen does not teach each element of amended independent Claim 1 and Claims dependent thereon. Analogously, Heinonen does not teach a vital sign sensor fixed in a chassis of a mobile telephone during manufacturing thereof as recited in independent Claim 8. Regarding amended independent Claim 15, Heinonen also fails to teach a vital sign measurement system included within a mobile telephone during manufacturing thereof.

Heinonen, therefore, fails to teach each element of amended independent Claims 1, 8 and 15. As such, Heinonen does not anticipate Claims 1, 8 and 15 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to Claims 1-5, 7-12, 15-17, 19 and 20 and allow issuance thereof.

Additionally, specifically addressing dependent Claim 16 which has been amended, the Applicants fail to see where Heinonen discloses where operating a vital sign sensor is solely dependent on a central processing system of the mobile telephone.

II. Rejection of Claims 6, 13, 14 and 18 under 35 U.S.C. §103

The Examiner rejected Claims 6, 13, 14 and 18 under 35 U.S.C. §103(a) as being unpatentable over Heinonen in view of U.S. Patent No. 6,112,103 to Puthuff, *et al.* The Applicants respectfully disagree in view of the above amendments and arguments.

As discussed above, Heinonen does not teach each limitation of amended independent Claims 1, 8 and 15. Additionally, Heinonen does not suggest the same. Heinonen is concerned with providing a means to more accurately monitor the health of a patient by using a communication device to send measurement results from a patient to a person monitoring the patient's health. (*See*

column 1, line 66, to column 2, line 11.) Heinonen clearly discloses **the measuring unit 11** performs and provides the measurement results and that the mobile phone is used to transmit those results from the monitoring unit. (*See* column 4, lines 1-7, and column 5, lines 40-53.) Thus, Heinonen does not teach or suggest each element as recited in independent Claims 1, 8 and 15.

Puthuff was cited by the Examiner to teach the subject matter of dependent Claim 6, 13, 14 and 18. (*See* Examiner's Final Rejection, pages 8-9.) The Applicants do not find where Puthuff cures the noted deficiencies of Puthuff. As such, the Applicants do not see where the cited combination provides a *prima facie* case of obviousness of amended independent Claims 1, 8 and 15 and Claims dependent thereon. The cited combination, therefore, does not render dependent Claims 6, 13, 14 and 18 unpatentable. Accordingly, the Applicants respectfully request the Examiner withdraw the §103(a) rejection of Claims 6, 13, 14 and 18 and allow issuance thereof.

III. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-20.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC

A handwritten signature in black ink, appearing to read "J. Joel Justiss", is written over a horizontal line.

J. Joel Justiss
Registration No. 48,981

Dated: October 5, 2007

P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800